

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6148

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing the Bellefield Pump Station Capacity Improvement Project; the East CBD Sewer Trunkline Improvements; a portion of the Wilburton Sewer Capacity Upgrade Project; certain Alcove Creek Modifications; providing for condemnation, appropriation, and taking of land and property rights necessary therefore; providing for payment; directing the initiation of appropriate proceedings in the manner provided by law for said condemnation; and establishing an effective date.

WHEREAS, the Bellefield Pump Station Capacity Improvement Project is consistent with Comprehensive Plan Policies UT-5 and UT-4 and is needed to provide sufficient sewer capacity to allow planned development in the eastern part of downtown; and

WHEREAS, sufficient sewer capacity will reduce the likelihood and occurrence of sewer overflows, which pollute surface waters and create potential health and safety hazards; and

WHEREAS, the East CBD Sewer Trunkline Improvement Project is needed to provide sufficient sewer capacity to allow planned development in the eastern part of downtown and is consistent with Comprehensive Plan Policies UT-5 and UT-4; and

WHEREAS, as permit mitigation and as conditions of project approval, certain locations within the proposed easement areas will be designated as native growth protection areas, which is necessary for completion of the Bellefield Pump Station Capacity Improvement Project and the East CBD Sewer Trunkline Improvement Project; and

WHEREAS, Attachment A hereto includes the legal description and a visual depiction for the Pump Station and Sewer Easement required to implement the Bellefield Pump Station Capacity Improvement and East CBD Sewer Trunkline Improvement Projects; and

WHEREAS, Attachment B hereto includes the legal description and a visual depiction for the required temporary construction easement necessary for construction of the Bellefield Pump Station Capacity Improvement and East CBD Sewer Trunkline Improvement Projects; and

WHEREAS, the Wilburton Sewer Capacity Upgrade Project is needed to provide sufficient sewer capacity to allow for future re-development within the

Wilburton area and is consistent with Comprehensive Plan Policies UT-5 and UT-4; and

WHEREAS, Attachment C hereto includes the legal description and a visual depiction for the proposed Permanent Sewer Easement required to implement the portion of the Wilburton Sewer Capacity Upgrade Project that impacts what is commonly referred to as the Bellefield Office or Business Park; and

WHEREAS, Attachment D hereto includes the legal description and a visual depiction for the required temporary construction easement necessary for construction of the portion of the Wilburton Sewer Capacity Upgrade Project that impacts the Bellefield Office Park; and

WHEREAS, the Alcove Creek Modifications include repairs to a corrugated metal culvert; and

WHEREAS, Attachment E hereto includes the legal description and a visual depiction for the required Permanent Storm Easement necessary for completion of the Alcove Creek Modifications to the extent such improvements impact the Bellefield Office Park; and

WHEREAS, all referenced projects herein were included in the 2013-2019 Capital Investment Program (CIP), adopted by the City Council on December 3, 2012, by Ordinance No. 6090; and

WHEREAS, the City intends to use the acquired permanent and temporary easements for the public uses described above; and

WHEREAS, the City Council finds that the public health, safety, necessity and convenience demand that the above referenced projects be undertaken at this time, and that in order to carry out the projects, it is presently necessary for the City to acquire interests and rights to the property as described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that the interests in the land and property hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The land and property rights (both permanent and temporary easements) within the City of Bellevue, King County, Washington, as now legally described and generally depicted in the Attachments hereto are necessary to implement the projects described herein subject to making or paying just compensation to the property owners thereof in the manner provided by law.

Section 2. The City Council of the City of Bellevue finds the above-identified City utility and environmental uses with staging and temporary construction rights to be public uses, specifically the use of the subject property for the implementation and construction of said projects, including any mitigation thereof. The City Council specifically finds these projects to be necessary, and in the best interests of the citizens.

Section 3. The cost and expense of acquiring the property rights described in this ordinance shall be paid from the Capital Investment Program (CIP) Plan, and from other general funds of the City where applicable. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests; entering into easement or other agreements with property owners between the time of acquisition and start of construction; making or paying just compensation; and, approving the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 4. In the absence of negotiated purchases with the affected property owners, the City Attorney or her designee is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, and take the land and property rights necessary to carry out the provisions of this ordinance. In so doing, the City Attorney or her designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those general descriptions and depictions set forth in the Attachments hereto. The City Attorney or her designee is further authorized to approve and enter into any and all agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

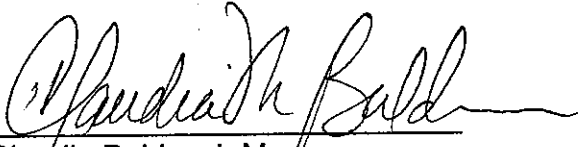
Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

1373-ORD
01/31/14

Passed by the City Council this 3rd day of February, 2014
and signed in authentication of its passage this 3rd day of February,
2014.

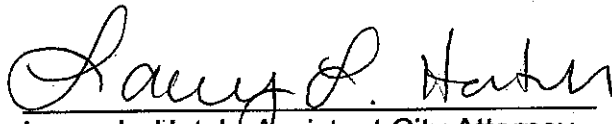
(SEAL)



Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Hatch, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published February 6, 2014.

Attachment A

Pump Station and Sewer Easement

Tax Parcel Number: 066288TRCT

That portion of Tracts F, G and H, Bellefield Office Park, According to the Binding Site Plan Recorded in Volume 138 of Plats, Pages 25 through 29, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence S01°33'02"W along said Easterly Right of Way a distance of 465.30 feet to the beginning of a curve to the right with a radius of 805.00 feet;

Thence Southerly along said curve an arc distance of 373.79 feet to the True Point of Beginning;

Thence continuing along said curve on the Easterly Right of Way of 112th Avenue SE an arc distance of 188.22 feet;

Thence continuing along said Easterly Right of Way on a bearing of S41°33'09"W a distance of 358.89 feet;

Thence S68°40'40"E a distance of 207.82 feet;

Thence N41°33'09"E a distance of 185.00 feet;

Thence N48°26'51"W a distance of 115.00 feet;

Thence N41°33'09"E a distance of 102.04 feet to the beginning of a curve to the left with a radius of 885.00 feet;

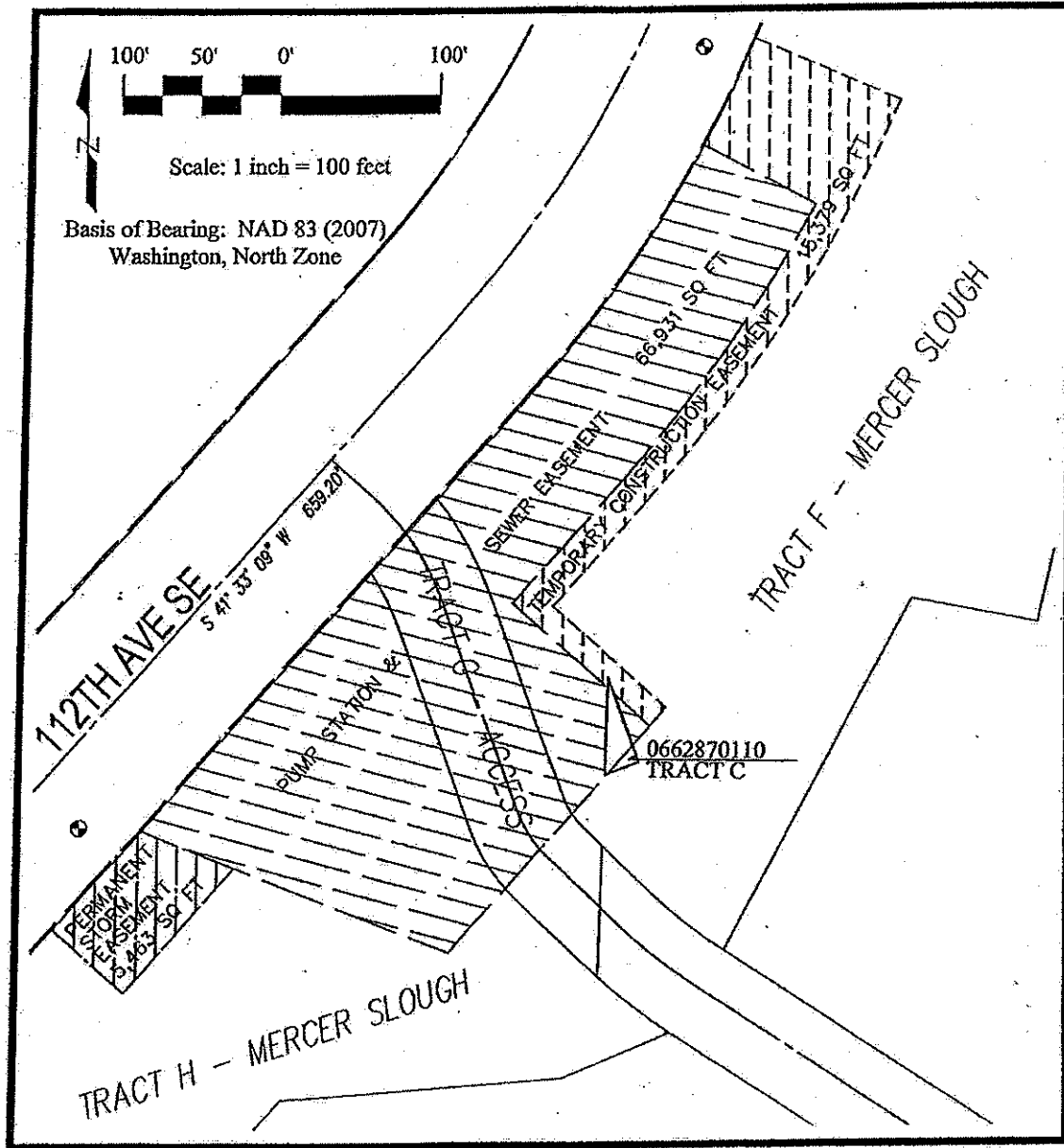
Thence Northerly along said curve an arc distance of 206.91 feet;

Thence N61°50'20"W on a radial bearing of said curve a distance of 80.00 feet to the True Point of Beginning.

EXCEPT that portion thereof lying within Tract C of the plat of Bellefield Office Park, as Recorded in Volume 119 of Plats, Pages 81 through 90, in King County Washington.

Containing 66,931 square feet.

13121_Bellefield Sewer.docx
SLB/01-16-2014



ACAD File: 13121 Bellefield Pump Station.dwg Date: 01/16/14 SLB

- MAP

BELLEFIELD OFFICE PARK EASEMENTS

NE 1/4 Sec 5, T.24 N., R.05 E., W.M.
King County, Washington



City of
Bellevue

Civic Services Department

Attachment B

Temporary Construction Easement

Tax Parcel Number: 066288TRCT

That portion of Tract F, Bellefield Office Park, According to the Binding Site Plan Recorded in Volume 138 of Plats, Pages 25 through 29, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence S01°33'02"W along said Easterly Right of Way a distance of 465.30 feet to the beginning of a curve to the right with a radius of 805.00 feet;

Thence Southerly along said curve an arc distance of 300.90 feet to the True Point of Beginning;

Thence continuing along said curve on the Easterly Right of Way of 112th Avenue SE an arc distance of 72.89 feet;

Thence S61°50'20"E on a radial bearing of said curve a distance of 80.00 feet to a point on a parallel curve to the right with a radius of 885.00 feet;

Thence Southerly along said curve an arc distance of 206.91 feet to a point of tangency;

Thence S41°33'09"W along said line a distance of 102.04 feet;

Thence S48°26'51"E a distance of 115.00 feet;

Thence N41°33'09"E a distance of 15.00 feet;

Thence N48°26'51"W a distance of 95.00 feet;

Thence N41°33'09"E a distance of 87.04 feet to the beginning of a curve to the left with a radius of 905.00 feet;

Thence Northerly along said curve an arc distance of 293.53 feet;

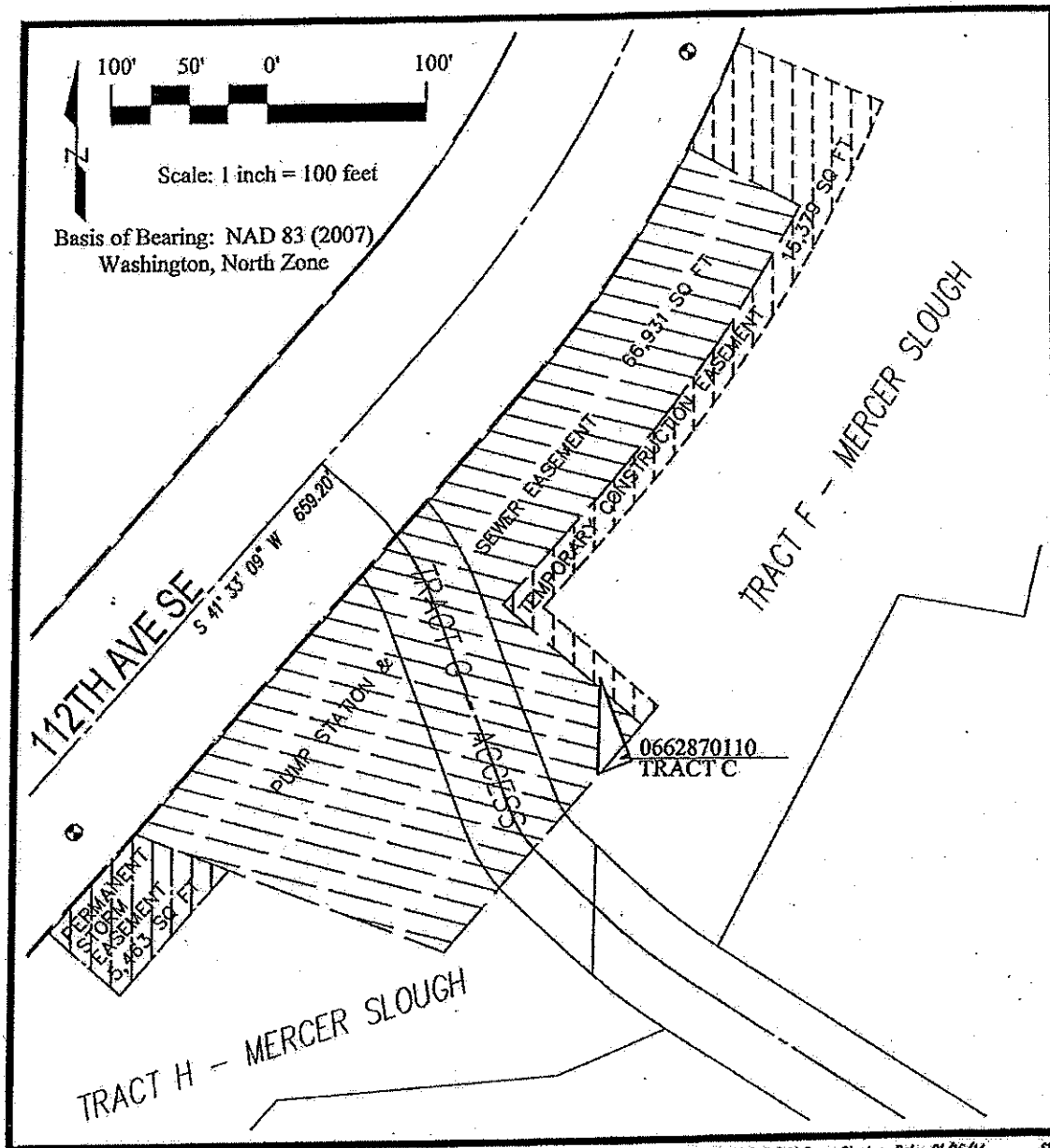
Thence N67°01'38"W on a radial bearing of said curve a distance of 100.00 feet to the True Point of Beginning.

1373-ORD
01/30/14

EXCEPT that portion thereof lying within Tract C of the plat of Bellefield Office Park, as Recorded in Volume 119 of Plats, Pages 81 through 90, in King County Washington.

Containing 15,379 square feet.

13121_Bellefield Sewer.docx
SLB/01-08-2014



ACAD File: 13121 Bellefield Pump Sta.dwg Date: 01/16/14

SLB

- MAP

BELLEFIELD OFFICE PARK EASEMENTS

NE 1/4 Sec 5, T.24 N., R.05 E., W.M.

King County, Washington



City of
Bellevue

Civic Services Department

Attachment C

Permanent Sewer Easement

Tax Parcel Number: 0662870010

COB Parcel 6792

That portion of Lot 1, Bellefield Office Park, According to the Plat Recorded in Volume 119 of Plats, Pages 81 through 90, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence N01°33'02"E along said Easterly Right of Way a distance of 40.00 feet to the Northerly Right of Way of SE 8th Street and the True Point of Beginning;

Thence S88°26'58"E along said Northerly Right of Way a distance of 116.32 feet;

Thence S89°10'27"E a distance of 124.14 feet;

Thence N86°20'42"E a distance of 344.21 feet;

Thence N71°56'58"E a distance of 226.35 feet to a point on the Northerly Right of Way of SE 8th Street, said point being on a curve to the left having a radius of 960.00 feet the center of which bears N25°59'01"W;

Thence Easterly along said curve an arc distance of 92.48 feet;

Thence continuing along said Right of Way at the bearing of N58°29'50"E a distance of 192.78 feet;

Thence leaving said Right of Way on a bearing of N48°15'22"E a distance of 61.99 feet to the Easterly boundary of said Lot 1;

Thence N31°30'10"W along said Easterly boundary a distance of 20.32 feet;

Thence S48°15'22"W a distance of 67.10 feet;

Thence S58°11'08"W a distance of 250.98 feet;

Thence S71°56'58"W a distance of 248.97 feet;

Thence S86°20'42"W a distance of 340.91 feet;

Thence N89°10'27"W a distance of 239.43 feet to a point on the Easterly Right of Way of 112th Avenue SE;

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01/30/14

Thence S01°33'02"W along said Easterly Right of Way a distance of 18.53 feet to the Northerly Right of Way of SE 8th Street and the True Point of Beginning.

Containing 22,550 square feet.

13121_Bellefield Sewer.docx
SLB/01-07-2014



Civic Services Department

Attachment D

Temporary Construction Easement

Tax Parcel Number: 0662870010

COB Parcel 6792

That portion of Lot 1, Bellefield Office Park, According to the Plat Recorded in Volume 119 of Plats, Pages 81 through 90, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence N01°33'02"E along said Easterly Right of Way a distance of 40.00 feet to the Northerly Right of Way of SE 8th Street;

Thence S88°26'58"E along said Northerly Right of Way a distance of 116.32 feet to the True Point of Beginning;

Thence S89°10'27"E a distance of 124.14 feet;

Thence N86°20'42"E a distance of 322.41 feet;

Thence N71°56'58"E a distance of 226.35 feet to a point on the Northerly Right of Way of SE 8th Street, said point being on a curve to the right having a radius of 960.00 feet the center of which bears N25°59'01"W;

Thence Westerly along said curve an arc distance of 461.34 feet;

Thence continuing along said Right of Way at the bearing of N88°26'58"W a distance of 236.37 feet to the True Point of Beginning;

Containing 5,376 square feet.

TOGETHER WITH:

That portion of Lot 1, Bellefield Office Park, According to the Plat Recorded in Volume 119 of Plats, Pages 81 through 90, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence N01°33'02"E along said Easterly Right of Way a distance of 40.00 feet to the Northerly Right of Way of SE 8th Street;

Thence S88°26'58"E along said Northerly Right of Way a distance of 352.69 feet to the beginning of a curve to the left with a radius of 960.00 feet;

Thence Easterly along said curve and Northerly Right of Way an arc distance of 553.81 feet;

Thence N58°29'50"E along said Right of Way a distance of 192.78 feet to the True Point of Beginning;

Thence continuing N58°29'50"E along said Right of Way a distance of 61.01 feet to the Easterly boundary of said Lot 1;

Thence N31°30'10"W along said boundary a distance of 11.02 feet;

Thence S48°15'22"W a distance of 61.99 feet to the True Point of Beginning.

Containing 336 square feet.

ALSO TOGETHER WITH:

That portion of Lot 1, Bellefield Office Park, According to the Plat Recorded in Volume 119 of Plats, Pages 81 through 90, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence N01°33'02"E along said Easterly Right of Way a distance of 40.00 feet to the Northerly Right of Way of SE 8th Street;

Thence continuing N01°33'02"E along said Right of Way a distance of 18.53 feet to the True Point of Beginning;

Thence continuing N01°33'02"E along said Right of Way a distance of 20.00 feet;

Thence S89°10'27"E a distance of 238.40 feet;

Thence N86°20'42"E a distance of 337.60 feet;

Thence N71°56'58"E a distance of 244.04 feet;

Thence N58°11'08"E a distance of 246.83 feet;

Thence N48°15'22"E a distance of 130.08 feet;

Thence N14°23'26"W a distance of 60.59 feet to the North line of said Lot 1;

Thence S88°33'11"E along said North line a distance of 7.67 feet to the Westerly Right of Way of 118th Avenue SE, being a point on a curve to the left with a radius of 570.00 feet, the center of which bears N67°37'30"E;

Thence Southerly along said curve an arc distance of 6.80 feet;

Thence continuing along the Westerly Right of Way of 118th Avenue SE on a bearing of S23°03'28"E a distance of 70.32 feet;

Thence S58°33'17"W along said Right of Way a distance of 73.13 feet;

Thence S32°08'48"E along said Right of Way a distance of 8.73 feet;

Thence S48°15'22"W a distance of 67.10 feet;

Thence S58°11'08"W a distance of 250.98 feet;

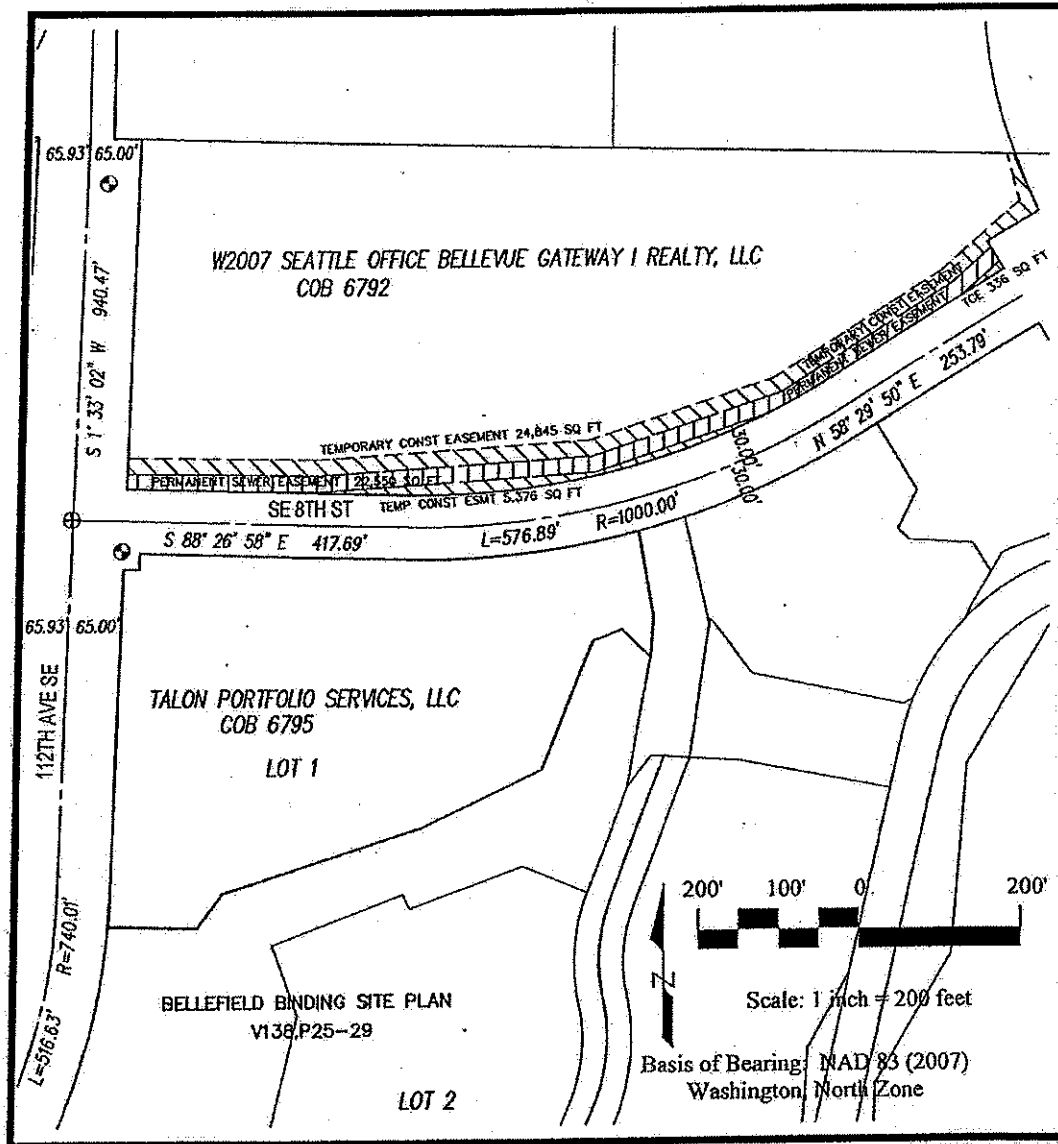
Thence S71°56'58"W a distance of 248.97 feet;

Thence S86°20'42"W a distance of 340.91 feet;

Thence N89°10'27"W a distance of 239.43 feet to a point on the Easterly Right of Way of 112th Avenue SE and the True Point of Beginning.

Containing 24,845 square feet.

This Temporary Construction Easement having a total on all three parts of 30,557 square feet.



ACAD File: 13121 Bellefield Pump Sta.dwg Date: 01/07/14

SLB

- MAP

BELLEFIELD OFFICE PARK EASEMENTS

NE 1/4 Sec 5, T.24 N., R.05 E., W.M.
King County, Washington



City of
Bellevue

Civic Services Department

Attachment E

Permanent Storm Easement

Tax Parcel Number: 066288TRCT

That portion of Tract H, Bellefield Office Park, According to the Binding Site Plan Recorded in Volume 138 of Plats, Pages 25 through 29, in King County, Washington, described as follows:

Beginning at COB monument #2003 on the centerline of SE 8th Street being 1.57 feet West of the centerline of 112th Ave SE;

Thence S88°26'58"E along the centerline of SE 8th Street, a distance of 66.57 feet to a point on the Easterly Right of Way of 112th Avenue SE;

Thence S01°33'02"W along said Easterly Right of Way a distance of 465.30 feet to the beginning of a curve to the right with a radius of 805.00 feet;

Thence Southerly along said curve on the Easterly Right of Way of 112th Avenue SE an arc distance of 562.01;

Thence continuing along said Easterly Right of Way on a bearing of S41°33'09"W a distance of 358.89 feet to the True Point of Beginning;

Thence continuing along said Right of Way S41°33'09"W a distance of 80.00 feet;

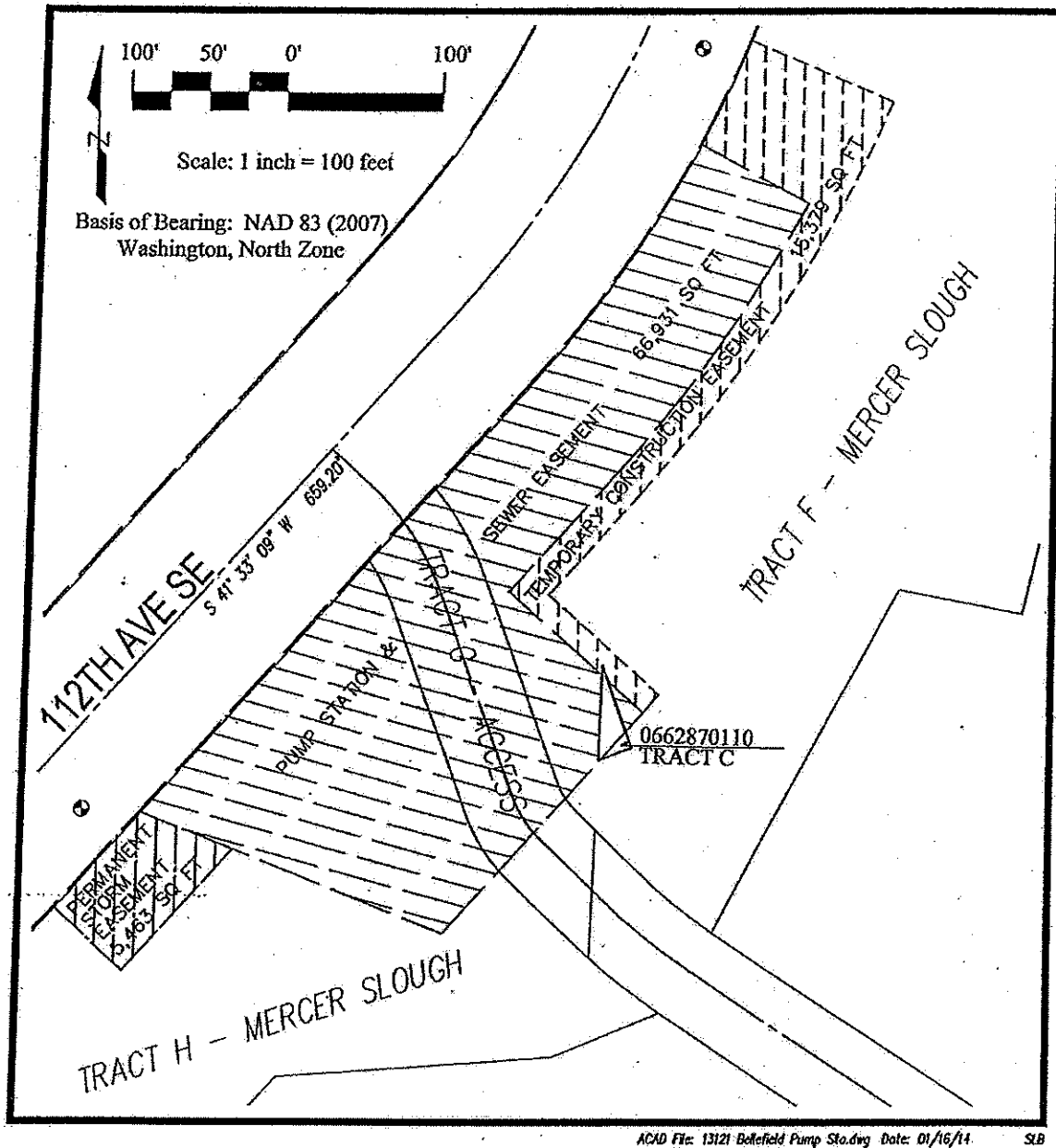
Thence S48°26'51"E a distance of 60.00 feet;

Thence N41°33'09"E a distance of 102.11 feet;

Thence N68°40'40"W a distance of 63.94 feet to the True Point of Beginning.

Containing 5,463 square feet.

13121_Bellefield Sewer.docx
SLB/12-30-2013



ACAD File: 13121 Bellefield Pump Sta.dwg Date: 01/16/14

SLB

- MAP

BELLEFIELD OFFICE PARK EASEMENTS

NE 1/4 Sec 5, T.24 N., R.05 E., W.M.
King County, Washington



City of
Bellevue

Civic Services Department